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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,472	10/02/2000	Luis Aldaz	VLSI-3510	4514

7590

03/29/2004

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EXAMINER
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WARE, CICELY Q

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 03/29/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/678,472

Applicant(s)

ALDAZ ET AL.

Examiner

Cicely Ware

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Eberhardt et al. (US Patent 5,754,583).

(1) With regard to claim 1, Eberhardt et al. discloses a communication device and method of managing a finger assignment in a wireless communication device, said method comprising the steps of (abstract, col. 2, lines 41-51, col. 3, lines 12-17): receiving said finger assignment from a searcher portion of communication device (col. 2, lines 41-51); determining a signal-strength for said finger assignment (col. 2, lines 41-51); enabling said finger assignment for a combine operation if said signal-strength for said finger assignment satiates a first signal-strength threshold (col. 2, lines 41-51). However, Eberhardt et al. does not disclose preventing said finger assignment from

being de-assigned if said signal-strength of said finger assignment satiates a second threshold, said second signal-strength threshold being less than said first signal-strength threshold; and preventing said finger assignment from being de-assigned if said signal-strength of said finger assignment satiates a second threshold, said second signal-strength threshold being less than said first signal-strength threshold (col. 7, lines 52-61, col. 8, lines 24-30).

(2) With regard to claim 2, claim 2 inherits all the limitations of claim 1.

Furthermore Eberhardt et al. discloses the step of determining a time period over which said signal-strength of said finger assignment satiates said second signal-strength threshold (col. 2, lines 60-67, col. 2, lines 1-5).

(3) With regard to claim 3, claim 3 inherits all the limitations of claim 2. Eberhardt et al. further discloses the step of preventing said finger assignment from being de-assigned if said time period satiates a time threshold (col. 3, lines 12-17, col. 10, lines 19-25).

(4) With regard to claim 4, claim 4 inherits all the limitations of claim 2. Eberhardt et al. further discloses the step of allowing said finger assignment to be de-assigned if said finger assignment fails to satiate said time threshold (col. 2, lines 56-59, col. 9, lines 66-67, col. 10, lines 1-8, 11-13, 25-30).

(5) With regard to claim 5, claim 5 inherits all the limitations of claim 1. Eberhardt et al. further discloses the step of allowing said finger assignment to be de-assigned if said finger assignment fails to satiate said second signal-strength threshold (col. 7, lines 52-54, col. 8, lines 12-18).

(6) With regard to claim 6, claim 6 inherits all the limitations of claim 1. Eberhardt et al. further discloses the step of demodulating said finger assignment (col. 2, lines 24-40, col. 5, lines 13-32).

(7) With regard to claim 7, claim 7 inherits all the limitations of claim 1. Eberhardt et al. further discloses the step of filtering said signal-strength of said finger assignment as determined in step (b) (co. 5, lines 27-28, col. 6, lines 66-67, col. 7, lines 1-3).

(8) With regard to claim 8, claim 8 inherits all the limitations of claim 1. Furthermore, Eberhardt et al. discloses the step of categorizing said finger assignment into one of a plurality of states based upon said signal-strength of said finger assignment (col. 4, lines 63-67, col. 11, lines 29-31, col. 12, lines 43-48, 55-67).

(9) With regard to claim 9, claim 9 inherits all the limitations of claim 2. Eberhardt et al. further discloses the step of categorizing said assignment into one of a plurality of states based upon said signal-strength of said finger assignment and based upon said time period over which said signals strength exists (col. 11, lines 33-37).

(10) With regard to claim 10, claim 10 inherits all the limitations of claim 8. Furthermore Eberhardt et al. discloses evaluating said finger assignment for said combine operation or for de-assignment based upon its state (col. 11, lines 65-67, col. 12, lines 1-11, 63-67).

(11) With regard to claim 11, claim 11 inherits all the limitations of claim 1. Furthermore, Eberhardt et al. discloses in (Fig. 1) a transceiver (100); a processor, coupled to said transceiver (122); and a computer readable memory unit (122) coupled

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to the processor, containing program instructions stored therein that execute, via said processor (col. 3, lines 48-56, col. 4, lines 24-31, col. 5, lines 32-36).

2. (12) With regard to claim 12, claim 12 inherits all the limitations of claims 11 and

3. (13) With regard to claim 13, claim 13 inherits all the limitations of claims 12 and

4. (14) With regard to claim 14, claim 14 inherits all the limitations of claims 12 and

5. (15) With regard to claim 15, claim 15 inherits all the limitations of claims 11 and

6. (16) With regard to claim 16, claim 16 inherits all the limitations of claims 11 and

7. (17) With regard to claim 17, claim 17 inherits all the limitations of claims 11 and

8. (18) With regard to claim 18, claim 18 inherits all the limitations of claims 11 and

9. (19) With regard to claim 19, claim 19 inherits all the limitations of claims 12 and

10. (20) With regard to claim 20, claim 20 inherits all the limitations of claims 18 and

(21) With regard to claim 21, claim 21 inherits all the limitations of claim 1.

Eberhardt et al. further discloses a computer readable medium containing therein

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computer readable codes for causing an electronic device to implement a method of managing said multi-path signals (col. 5, lines 32-36).

2. (22) With regard to claim 22, claim 22 inherits all the limitations of claims 21 and

3. (23) With regard to claim 23, claim 23 inherits all the limitations of claims 22 and

4. (24) With regard to claim 24, claim 24 inherits all the limitations of claims 22 and

5. (25) With regard to claim 25, claim 25 inherits all the limitations of claims 21 and

6. (26) With regard to claim 26, claim 26 inherits all the limitations of claims 21 and

7. (27) With regard to claim 27, claim 27 inherits all the limitations of claims 21 and

8. (28) With regard to claim 28, claim 28 inherits all the limitations of claims 21 and

9. (29) With regard to claim 29, claim 29 inherits all the limitations of claims 22 and

10. (30) With regard to claim 30, claim 30 inherits all the limitations of claims 28 and

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 703-305-8326. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

***Cicely Ware***

cqw  
March 19, 2004

  
**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**